IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29951 of 2007(N)

PETITIONER:

M.S.RADHA,
906, SUNNY PALACE, CHANGAMPUZHA SAMADHI ROAD,
EDAPPALLY P.O., ERNAKULAM - 682 024.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SRI.VIVEK K.VIJAYAN

RESPONDENTS:

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1. **THE LAND REFORMS APPELLATE AUTHORITY, ALAPPUZHA.**

2. **THE VILLAGE OFFICER, KAIPUZHA.**

3. **P.G.DAMODHARAN PILLAI, PULICKAL HOUSE, KAIPUZHA VILLAGE, KOTTAYAM DISTRICT.**

4. **K.PARUKUTTY AMMA, PULICKAL HOUSE, KAIPUZHA VILLAGE, KOTTAYAM DISTRICT.**

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ANTONY DOMINIC,J.

W.P (C) No. 29951 of 2007

Dated this the 9th October, 2007

J U D G M E N T

Exhibit-P1 is an order passed by the Land Tribunal, Kottayam, against which petitioner had filed appeal before the 1st respondent. Appeal was dismissed for default of the appellant as per Exhibit-P2. Thereafter, petitioner has filed applications for restoration and condonation of delay in making such an application. These are Exhibits P3 and P4 in this writ petition. In the meanwhile, petitioner submits that attempt is being made by the party respondents to pay tax in respect of the property.

2. At present, there is nothing to show that petitioner is in possession of the property in question. Therefore, until a decision is taken by the appellate authority the petitioner cannot have any claim on the land. The only order that could be passed at this stage is to direct the appellate authority to consider Exhibits P3 and P4, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007